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Paper 53

Filed by: Trial Section Merits Panel  
Box Interference  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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YUTAKA KAWAKAMI and  
STEVEN A. ROSENBERG

Junior Party,  
(Patent 5,844,075),

v.

CRAIG L. SLINGLUFF,  
VICTOR M. ENGELHARD, DONALD F. HUNT,  
JEFFREY SHABANOWITZ, and ANDREA L. COX

Senior Party,  
(Application 08/234,784).

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Patent Interference No. 104,587

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Before SCHAFER, LEE, and GARDNER-LANE, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Slingluff has filed a paper entitled "CONCESSION OF  
PRIORITY" (Paper 50).

In the paper, Slingluff states that it concedes priority of  
the count to Kawakami. Slingluff also states that it requests  
that adverse judgment be entered against Slingluff.

Various preliminary motions were filed in the interference but were subsequently withdrawn (See Papers 47 and 48).

ORDER

Upon consideration of the record of the interference, it is ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against senior party

CRAIG L. SLINGLUFF, VICTOR M. ENGELHARD, DONALD F. HUNT, JEFFREY SHABANOWITZ, and ANDREA L. COX;

FURTHER ORDERED that senior party CRAIG L. SLINGLUFF, VICTOR M. ENGELHARD, DONALD F. HUNT, JEFFREY SHABANOWITZ, and ANDREA L. COX, is not entitled to a patent containing claims 35, 38, 53, 60, 66, and 77 of application 08/234,784, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Kawakami's 5,844,075 patent and Slingluff's 08/234,784 application.

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RICHARD E. SCHAFER )  
Administrative Patent Judge )

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JAMESON LEE )  
Administrative Patent Judge )

) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES  
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SALLY GARDNER-LANE )  
Administrative Patent Judge )

cc (via facsimile and first class mail):

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